

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

VERNON MEMORIAL EMPLOYEES UNION, LOCAL
1667-A, WCCME, AFSCME, AFL-CIO

For a Referendum on the Question
of an All-Union Agreement between

VERNON MEMORIAL HOSPITAL
Viroqua, Wisconsin, Employer

and VERNON MEMORIAL EMPLOYEES UNION,
LOCAL 1667-A, WCCME, AFSCME, AFL-CIO,
Union

Case IV
No. 17197 R-5551
Decision No. 12348

Appearances:

Mr. Walter J. Klopp, District Representative, for the Petitioner.
Quarles, Herriott, Clemons, Teschner & Noelke, Attorneys at Law,
by Mr. James C. Mallien, for the Employer.

DIRECTION OF REFERENDUM

Petition having been filed with the Wisconsin Employment Relations Commission by the Vernon Memorial Employees Union, Local 1667-A, WCCME, AFSCME, AFL-CIO, requesting that a referendum be conducted among certain employees of Vernon Memorial Hospital, Viroqua, Wisconsin, for the purpose of determining whether a required number of such employees desire an "All-Union Agreement" between the Employer and the Union pursuant to the provisions of Section 111.06 of the Wisconsin Statutes; and a hearing on such petition having been held on November 15, 1973, by Douglas V. Knudson, Hearing Officer; and the Commission being fully advised in the premises and being satisfied that a question has arisen concerning an "All-Union Agreement" for certain employees of Vernon Memorial Hospital;

NOW, THEREFORE, it is

DIRECTED

That a referendum by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days hereof, in the collective bargaining unit consisting of all regular full-time and regular part-time employees, but excluding supervisors, professional employees, confidential clerical employees, licensed practical nurses, registered X-ray technicians and department heads of Medicare, WMA and insurance, billing machine operation, pricing and charge procedures, credit and accounts receivable, and payroll, who were employed by the Employer on November 15, 1973, except such employees as may prior to the referendum quit their employment or be discharged for cause, for the purpose of determining whether the

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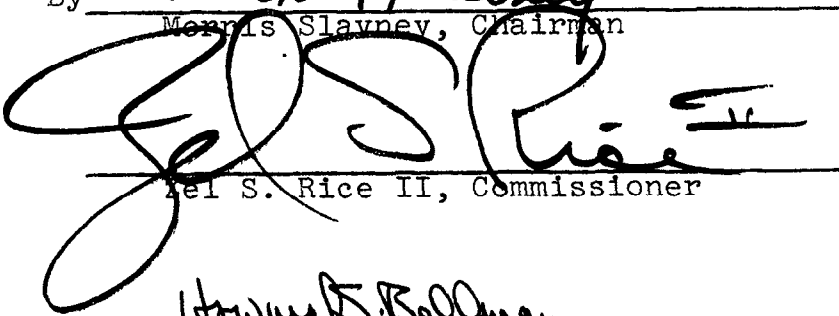
required number of such employees favor an "All-Union Agreement" between the Employer and the Union named above.


Given under our hands and seal at the City of Madison, Wisconsin, this 18th day of December, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slayney, Chairman


Del S. Rice II, Commissioner


Howard S. Bellman, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF REFERENDUM

On September 27, 1973, the Union filed the instant petition seeking a referendum among employees of the Employer in the following bargaining unit:

"All regular full-time and regular part-time employees of Vernon Memorial Hospital, Viroqua, Wisconsin, excluding supervisors, professional employees and confidential clerical employees."

Said unit description is identical to the unit for which the Union was certified as the bargaining representative on January 21, 1969, by the Commission, following an election conducted under its supervision. 1/ The Union and the Employer are parties to a collective bargaining agreement, which expires on December 31, 1973, wherein the bargaining unit is described as follows:

"All regular full-time and regular part-time employees, but excluding supervisors, professional employees and confidential clerical employees. It is stipulated and agreed that the following additional persons are hereby excluded from the bargaining unit: all Licensed Practical Nurses (LPN's), Registered X-ray Technicians (R.T.'s) and department heads in charge of (1) Medicare, WMA and insurance, (2) Billing Machine Operation, pricing and charge procedures, and (3) Credit and Accounts Receivable, and (4) Payroll."

The parties, on the date of the hearing were to meet in negotiations for the purpose of replacing the current agreement, having made prior arrangements therefore, pursuant to the request of the Union.

The Employer maintains that the referendum, if one is directed, should be conducted within the unit described in the collective bargaining agreement, inasmuch as said unit was arrived at through the mutual agreement of the parties. The Employer further contends that because more than fifty percent of the original eligible voters have terminated their employment since the election held in November, 1968, a representation election should be conducted simultaneously with the referendum to determine whether the Union continues its majority status.

The Union contends that the referendum should be conducted in the unit certified by the Commission on January 11, 1969, inasmuch as the amended unit set forth in the contract was not approved by the Commission and only the Commission has the power to alter a certified bargaining unit. The Union argues that the Employer's request for an election is untimely inasmuch as the parties have entered negotiations for the purpose of replacing the current agreement.

It has been the policy of the Commission that it will not disturb an existing collective bargaining unit in a referendum proceeding. It appears to the Commission that the petitioning Union, for the purpose of this referendum, is attempting to create a bargaining unit

1/ Vernon Memorial Hospital, (8754) 11/68.

different than that which presently exists. The Commission's decision in the City of Waupun 2/, cited by the Union, did not alter a bargaining unit description, but rather, dealt with the issue of whether certain employees were supervisors, positions already excluded from said bargaining unit. In the instant proceeding the parties mutually agreed to change the unit originally certified by the Commission. The Commission sees no reason to alter the unit established by the parties.

We deem the request of the Employer for a new election to be untimely. Although the collective bargaining agreement contains no provision with respect to the re-opening of such agreement for the purpose of negotiating a succeeding agreement, the fact that the parties, prior to the date of the hearing herein, made arrangements for the negotiating of a new agreement indicates that the Employer recognizes the Union as the collective bargaining representative for the employees involved.

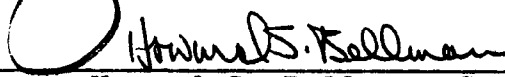
Dated at Madison, Wisconsin, this 18th day of December, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Howard S. Bellman, Commissioner

2/City of Waupun, (6086-C) 11/68.

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